

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

BRANDON TRANSUE	]	
Plaintiff,	]	
	]	
v.	]	No. 3:10-1198
	]	JUDGE HAYNES
DSNF MEDICAL STAFF, et al.	]	
Defendants.	]	

O R D E R

Before the Court is a *pro se* prisoner complaint (Docket Entry No.1) under 42 U.S.C. § 1983 and his application to proceed *in forma pauperis* (Docket Entry No.2).

It appears from the application that the Plaintiff lacks sufficient financial resources from which to pay the \$350.00 filing fee. Accordingly, Plaintiff's application to proceed *in forma pauperis* is **GRANTED**. 28 U.S.C. § 1915(a).

Plaintiff is herewith **ASSESSED** the civil filing fee of \$350.00. Pursuant to 28 U.S.C. § 1915(b)(1)(A) and (B), the custodian of the Plaintiff's inmate trust account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial partial payment, whichever is greater of:

(a) twenty percent (20%) of the average monthly deposits to the Plaintiff's inmate trust account; **or**

(b) twenty percent (20%) of the average monthly balance in the

Plaintiff's inmate trust account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of the Plaintiff's preceding monthly income (or income credited to the Plaintiff's trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee of three hundred fifty dollars (\$350.00) as authorized under 28 U.S.C. § 1915(a) has been paid to the Clerk of Court. 28 U.S.C. § 1915(b) (2) .

After a review of the complaint, Plaintiff fails to state a claim upon which relief can be granted. Thus, this action is **DISMISSED with prejudice**. Any appeal of this action would not be in good faith as required by 28 U.S.C. § 1915(a)(3) .

The Clerk is directed to send a copy of this order to the Warden of the Deberry Special Needs Facility to ensure that the custodian of Plaintiff's inmate trust account complies with that portion of the Prison Litigation Reform Act relating to the payment of the filing fee.

It is so ORDERED.

ENTERED this the 4<sup>th</sup> day of April, 2011.

  
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WILLIAM J. HAYNES, JR.  
United States District